

## **REMARKS**

Entry of the forgoing and favorable consideration of the subject application, in light of the following remarks, are respectfully requested.

### **I. Sequence Listing**

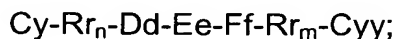
In the Office Communication, the Examiner has required that a new Sequence Listing be submitted in order to account for certain sequences listed in the specification, for example, on page 26, line 27 of the specification.

In response, Applicants submit herewith another substitute Sequence Listing that contains all of the sequences listed in the specification that are encompassed by the sequence definitions set forth in 37 C.F.R. §§ 1.821(a)(1) and (a)(2). In particular, Applicants submit herewith a substitute computer readable form (CRF) copy of the Sequence Listing, a substitute paper copy of the Sequence Listing, and the required statement to support the Sequence Listing.

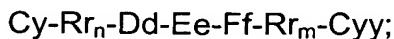
### **II. Restriction and Election of Species Requirements**

The Examiner has required that the present application be restricted, under 35 U.S.C. § 121, to one of the following seven groups of claims.

Group 1: Claims 1-9, and 19, drawn to a compound that comprises the following formula:

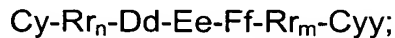


Group 2: Claim 10, drawn to a compound that is obtained by derivatizing or activating or protecting a compound of the following formula:



or the compound of the indicated formula which is bonded to a solid support;

Group 3: Claims 11-18 and 26, drawn to a conjugate of an "effector unit" and a compound of the following formula:



Group 4: Claims 20-22, drawn to a method of preparing a medicament;

Group 5: Claims 23-25, drawn to a method of treating cancer by administering one of the Group 1 compounds/compositions;

Group 6: Claim 27, drawn to a method of preparing a medicament; and

Group 7: Claim 28, drawn to a method of treating cancer.

In addition, the Examiner has indicated that election of any of Groups 1-4 and 6 in response to the Restriction Requirement will require further election of species for prosecution on the merits, as follows:

- In the event that Group 1 is chosen for initial examination, election is required of each of the following:
  - a) one of the following: (i) a compound *per se* (in accordance with claim 1) or (ii) a composition *per se* (in accordance with claim 19);
  - b) in the event that a compound is elected, election is required of a specific and fully defined compound (which can be described without the use of the term "comprising" or "consisting essentially of");
  - c) in the event that a composition is elected (in accordance with claim 19), election is required of a specific and fully defined composition in which all ingredients are fully accounted for;
- In the event that Group 2 is chosen for initial examination, election is required of a specific and fully defined compound.
- In the event that Group 3 is chosen for initial examination, election is required of each of the following:
  - a) one of the following: (i) a compound *per se* (in accordance with claim 11) or (ii) a composition *per se* (in accordance with claim 26);

- b) in the event that a compound is elected (in accordance with claim 11), election is required of a specific and fully defined compound (which can be described without the use of the term "comprising" or "consisting essentially of");
- c) in the event that a composition is elected (in accordance with claim 26), election is required of a specific and fully defined composition in which all ingredients are fully accounted for.

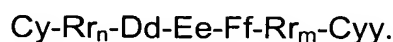
- In the event that Group 4 is chosen for initial examination, election is required of each of the following:

- a) one of the following: (i) the target medicament is a compound *per se* or (ii) the target medicament is a composition;
- b) in the event that the target medicament is a compound *per se*, election is required of a specific and fully defined compound;
- c) in the event that a target medicament is a composition, election is required of a specific and fully defined composition.

- In the event that Group 6 is chosen for initial examination, election is required of each of the following:

- a) one of the following: (i) the target medicament is a compound *per se* or (ii) the target medicament is a composition;
- b) in the event that the target medicament is a compound *per se*, election is required of a specific and fully defined compound;
- c) in the event that the target medicament is a composition, election is required of a specific and fully defined composition.

Applicants hereby elect with traverse the invention defined by the Examiner as Group I, claims 1-9, and 19, described as being drawn to a compound that comprises the following formula :



Applicants also elect the species, a compound *per se*, wherein the compound is CLRSC (SEQ ID NO:1).

Applicants traverse the restriction requirement/lack of unity determination for at least the following reasons. Applicants respectfully assert that because the novel peptide sequence of the targeting unit as defined in claim 1 is a common feature shared by all claims, unity of the invention should be recognized and the inventions of Groups I-VII should be examined together under PCT standards.

**CONCLUSION**

In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited.

In the event that there are any questions related to this response, or the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney at the below-listed telephone number concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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